

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LINDON DAVID MICHA-EL BEY,
Plaintiff,
-against-
URBAN FINANCIAL GROUP, INC., et al.,
Defendants.

1:25-CV-1995 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Lindon David Micha-El Bey, who proceeds *pro se*, has filed a proposed Order to Show Cause for a Preliminary Injunction and a Temporary Restraining Order (“OTSC”) and a Motion for a Preliminary Injunction and a Temporary Restraining Order (“motion”). (ECF 3 & 5.) He has also filed an “Affidavit” (that is not notarized) in support of his OTSC. (ECF 4.) He does not specify, in his OTSC or in his notice of motion, the specific immediate injunctive relief he seeks. Plaintiff, who initiated this action in this court on March 7, 2025, has attached to his OTSC, however, a copy of a notice of eviction addressed to him that was issued by the Civil Court of the City of New York, Bronx County, on February 19, 2025, informing him that the earliest date that he was to be evicted was March 6, 2025, one day before he filed the present action. (ECF 5, at 5.) He also seeks, within his 141-page “Affidavit,” numerous types of immediate injunctive relief from this court, including what appears to be relief that would prevent his eviction. (ECF 4, at 132-41.)

To obtain any such immediate injunctive relief, Plaintiff must show: (1) that he is likely to suffer irreparable harm, and (2) either (a) a likelihood of success on the merits of his action or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. *See UBS Fin. Servs., Inc. v. W.V. Univ.*

Hospo., Inc., 660 F.3d 643, 648 (2d Cir. 2011) (citation and internal quotation marks omitted); *Wright v. Giuliani*, 230 F.3d 543, 547 (2d Cir. 2000); *Dennis v. K&L Gates LLP*, No. 1:20-CV-9393 (MKV), 2025 WL 902457, at *2 (S.D.N.Y. Mar. 25, 2025) (quoting *MyWebGrocer, LLC v. Hometown Info, Inc.*, 375 F.3d 190, 192 (2d Cir. 2004)). This preliminary injunctive relief “is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Moore v. Consol. Edison Co. of N.Y., Inc.*, 409 F.3d 506, 510 (2d Cir. 2005) (internal quotation marks and citation omitted).

None of Plaintiff’s submissions, including those mentioned above and his 261-page complaint, demonstrate: (1) a likelihood of success on the merits, or (2) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. Accordingly, the Court denies Plaintiff’s requests for immediate injunctive relief that are raised in his OTSC, “Affidavit,” and motion. (ECF 3-5.) The Court will issue an explanatory order at a later date.

CONCLUSION

The Court denies Plaintiff’s requests for immediate injunctive relief raised in his OTSC, “Affidavit,” and motion. (ECF 3-5.) The Court therefore directs the Clerk of Court to terminate ECF 3. The Court will issue an explanatory order at a later date.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff at his address of record and to provide Plaintiff with a copy of this order, upon his request, should Plaintiff appear in person at the intake window of the court's Pro Se Intake Unit.

SO ORDERED.

Dated: March 28, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge